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MAY 30 2006

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UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

PAUL G. SHEARER,	)	
	)	Case No. A03-0263 CV (JKS)
Plaintiff,	)	(Consolidated)
	)	
vs.	)	
	)	
UNITED STATES OF AMERICA,	)	
GALE A. NORTON, Secretary of the	)	
Interior, DEPARTMENT OF INTERIOR,	)	
and, NATIONAL PARK SERVICE,	)	
	)	<b><u>PLAINTIFF'S OPPOSITION TO</u></b>
Defendants.	)	<b><u>UNITED STATES' MOTION FOR</u></b>
	)	<b><u>ENLARGEMENT OF TIME TO</u></b>
		<b><u>SERVE RESPONSES TO SHEARER'S</u></b>
		<b><u>DISCOVERY REQUESTS</u></b>

INTRODUCTION

The United States has filed a Motion For Enlargement Of Time (Docket 79). The motion requests an enlargement of time of thirty (30) days from May 18, 2006, to June 17, 2006, in which to serve responses to Plaintiff Paul G. Shearer's First Set of Interrogatories, First Request for Production and First Requests for Admissions to the United States of America, dated September 14, 2005, and Plaintiff Paul G. Shearer's Second Set of Interrogatories, Second Request for Production and Second Requests for Admissions to the United States of America, dated October 31, 2005.

## **ARGUMENT**

Shearer disagrees that the United States should be given any more time to serve responses to Plaintiff Paul G. Shearer's discovery requests for the following reasons:

1. Beginning with Shearer's filing on September 14, 2005, the United States has already refused to respond to Shearer's discovery requests for the first 100 days until they received a stay with the Order filed on December 23, 2005. The Order specified that United States was required to respond within forty-five (45) days of the Order ruling on a motion for partial summary judgment. This gave the United States an additional 101 days to prepare their response to Shearer's discovery requests since the Order ruling on a motion for partial summary judgment was entered 101 days later on April 3, 2006. Finally the United States was given a generous 45 days after the Order on April 3, 2006, until May 18, 2006, to respond to Shearer's discovery requests.
2. Therefore the United States has already had a total of 245 days to answer Shearer's discovery requests. This is ample time for the United States to respond to all of Shearer's discovery requests and therefore the United States should not be given any additional time.
3. The United States complains that it has put together over 100 pages and still needs more time. However the United States has not yet sent any of those pages to Shearer.
4. The United States is being disingenuous since when it served discovery requests on Shearer, the United States sent Shearer a letter after 27 days and demanded that Shearer respond with the entire response within 3 days so as to meet the 30 day deadline (See Exhibit A). The United States threatened to take appropriate actions to compel adequate

responses if full and complete responses were not received in 3 days. Shearer did respond within the required deadline of 30 days and Shearer delivered well over 600 pages and over 300 documents to satisfy the United States discovery requests within the required 30 days.

5. The United States has deliberately stonewalled Shearer's attempts to complete discovery and has already been given ample time (245 days) to complete the response to Shearer's first and second discovery requests.

### **CONCLUSION**

For all of the above reasons, then, plaintiff Paul G. Shearer respectfully requests that the United States Motion For Enlargement of Time to respond to Shearer's discovery first and second discovery requests be denied.

DATED this 26 day of May, 2006, At Lake Oswego, Oregon.



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Plaintiff  
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